

**From:** Michael Wojcik  
**To:** Microsoft ATR  
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**Subject:** Microsoft Settlement

Section J.1.a of the Proposed Settlement, allowing Microsoft to avoid disclosing APIs and other technical information on various grounds, in effect gives Microsoft carte blanche to conceal technical information about its products on the pretext of protecting security or DRM (digital rights management) mechanisms. It is generally acknowledged that Microsoft has often used and continues to use non-disclosure of technical data about its products ("hidden APIs") to gain unfair competitive advantage, particularly in interactions between its operating systems and applications divisions. If enacted the settlement as written has no power to prevent or discourage Microsoft from continuing to do so, and so utterly fails to achieve the end it and the legal action it terminates ostensibly sought.

As a practitioner in the field where Microsoft is held to possess illegal monopolistic power, and as a consumer adversely affected by Microsoft's monopolistic practices (which have a chilling effect on the development of superior products), I protest the inclusion of this clause in the proposed settlement.

Michael Wojcik  
Principal Software Systems Developer, Micro Focus  
michael.wojcik@microfocus.com